

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

|                                      |   |                                 |
|--------------------------------------|---|---------------------------------|
| 3D SYSTEMS, INC.,                    | ) |                                 |
|                                      | ) |                                 |
| Plaintiff,                           | ) |                                 |
|                                      | ) | Case No. 2:05-cv-74891          |
| v.                                   | ) |                                 |
|                                      | ) | Hon. Avern Cohn                 |
| ENVISIONTEC, INC., ENVISIONTEC GMBH, | ) | Magistrate Judge Hon. R. Steven |
| and SIBCO, INC.,                     | ) | Whalen                          |
|                                      | ) |                                 |
| Defendants.                          | ) |                                 |
| _____                                | ) |                                 |

**DECLARATION OF STEVEN R. HANSEN**

I, Steven R. Hansen, submit this Declaration in support of Defendants' Emergency Motion to Stay, filed concurrently herewith. The facts set forth below are based on my personal knowledge, and if called to testify, I could and would testify competently thereto:

1. I am an attorney licensed to practice law in the State of California and the State of Michigan and am employed by the firm Rader, Fishman & Grauer, PLLC, counsel to Defendants in this lawsuit.

2. In 2002, 3D Systems Corporation entered into a Consent Judgment ("2002 Consent Judgment") with the U.S. Department of Justice which required 3D Systems to license its industrial rapid prototyping patents such as the ones in this lawsuit. (Exhibit 1 to Defendants' Motion to Stay). Sony Corporation ("Sony") became 3D's licensee under the 2002 Consent Judgment. In May 2006 Sony elected to withdraw from the U.S. industrial rapid prototyping market and no longer provide its "Solid Creator" product in the U.S. The basis of my knowledge regarding Sony's withdrawal from the market includes, among other things, a letter from Gary

Barnak, Director of Capital Equipment Sales for Sony Manufacturing, dated May 9, 2006, which is attached as Exhibit 5 to Defendants' Motion to Stay.

3. On May 31, 2006, Al Siblani, the CEO of Defendant Envisiontec, Inc. contacted Gary Barnak to discuss the purchase or assignment of the license Sony received from 3D Systems pursuant to the 2002 Consent Judgment (the "Sony License"). A copy of Mr. Siblani's e-mail inquiry to Mr. Barnak is attached as Exhibit 6 to Defendants' Motion to Stay.

4. Prior to June 6, 2006, I attempted to contact Dando Cellini III, an attorney for the U.S. Department of Justice's Antitrust Division. I understood that Mr. Cellini was the lead trial attorney who represented the government in *U.S. v. 3D Systems Corporation, et al.*, Case No. 1:01CV01237 (GK)( D. D.C.) (the "DOJ Antitrust Case"). In my message, I informed Mr. Cellini that Sony had withdrawn from the U.S. industrial rapid prototyping market and that 3D Systems no longer had a licensee for its rapid prototyping technology, in apparent violation of the Consent Judgment in the DOJ Antitrust Case ("2002 Consent Judgment").

5. On June 6, 2006, I received a call from Mr. Cellini. I again advised him that Sony had withdrawn from the U.S. industrial rapid prototyping market. He indicated to me that he was concerned about the fact that there was no longer a licensee under the 2002 Consent Judgment. He also indicated that he or others from the Department of Justice would investigate the matter further.

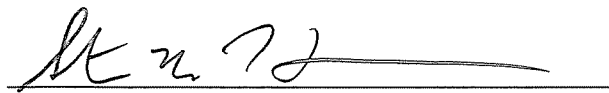
6. On July 12, 2006, I contacted Stephen Goldman, counsel for 3D Systems. Given Sony's withdrawal from the U.S. industrial rapid prototyping market, I informed Mr. Goldman that Envisiontec, while still having the belief that it did not infringe any of the 12 patents in suit, was interested in discussing the grant of a new license to Defendants under the 2002 Consent Judgment. I further informed Mr. Goldman that Defendants were requesting that 3D Systems

join them in moving the Court for a stay of the July 24<sup>th</sup> tutorial and further proceedings in this matter to allow discussions regarding the licensing requirements under the 2002 Consent Judgment to proceed. I also informed him that if 3D Systems was not willing to enter into such discussions, Defendants would file a motion to stay for the purpose of allowing them to seek a resolution by the Justice Department of the issues raised by 3D's present lawsuit and 3D's no longer having a viable licensee under the 2002 Consent Judgment. Mr. Goldman stated that he would discuss the matter with his client and give me a response by July 13, 2006. As of the close of business on July 14, 2006, neither Mr. Goldman nor any other counsel for 3D Systems has contacted me regarding the foregoing. The substance of my July 12<sup>th</sup> conversation with Mr. Goldman is documented in an e-mail that is attached as Exhibit 8 to Defendants' Motion to Stay.

7. Mr. Siblani was contacted by Sony's Gary Barnak on July 13, 2006. Mr. Barnak inquired as to whether Mr. Siblani was still interested in pursuing the Sony License and proposed that the parties meet between July 24, 2006 and August 1, 2006 to begin discussing the matter. A copy of Mr. Barnak's e-mail to Mr. Siblani is attached as Exhibit 7 to Defendants' Motion to Stay. Mr. Siblani contacted Mr. Barnak and agreed to meet with him during the referenced week to begin discussing the transfer of the Sony License.

*I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.*

Executed on this, the 17<sup>th</sup> day of July, 2006.

  
Steven R. Hansen

**CERTIFICATE OF SERVICE**

I hereby certify that on July 17, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Susan M. Kornfield and Alan M. Harris, and I hereby certify that I have served the foregoing paper via e-mail and first-class mail, postage prepaid on the following non-ECF participants:

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